IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2621 of 2007

Krishnat Bajirao Bhosale & Ors ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Shekhar Ingavale, Advocate for the Applicants.

Mr S. S. Pednekar, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 3rd Sept, 2007.

P.C.:-

1. Heard learned counsel for the applicants and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicants are seeking bail in CR No. I-157 of 2006 registered with Karveer Police Station, Kolhapur for the offences under Sections 302, 336, 427 read with Section 34 of the I.P.C.

4. Having seen the role played by the co-accused and the present applicants described in the F.I.R.; wherein, the

complainant has complained that the present applicants had assaulted the deceased by means of the axe.

5. The learned counsel for the applicants submits that there is no doubt that three axes were recovered from the accused-applicant No.1,but, which one was used, and by whom, is not clear. Apart from this, he also submits that the applicant-accused is a polio patient, hence assault by him is not possible. In my view, trial alone can determine this aspect.

6. At this stage, I do not find any reason to grant this application, looking to the overt acts committed by the applicants.

7. In the result, the application is rejected.

8. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)